

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Plaintiffs #1-21, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

THE COUNTY OF SUFFOLK; SUFFOLK
COUNTY POLICE DEPARTMENT; EDWARD
WEBBER, individually and in his official capacity;
MILAGROS SOTO, individually and in her official
capacity; SCOTT GREENE, individually and in his
official capacity; BRIDGETT DORMER,
individually and in her official capacity;
SUPERVISORY JOHN DOE DEFENDANTS,
individually and in their official capacities; and
JOHN DOE DEFENDANTS, individually and in
their official capacities,

Defendants.

Case No.: 2:15-cv-02431-WFK-LB

**DECLARATION OF ANDREW CASE IN SUPPORT OF JOINT MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT
AGREEMENT AND APPROVAL OF NOTICE TO THE
CLASS OF CLASS ACTION SETTLEMENT**

I, Andrew Case, hereby declare and state as follows:

1. I am a senior counsel with LatinoJustice PRLEDF ("LatinoJustice"), counsel for Plaintiffs #1-20, individually and on behalf of all others similarly situated (collectively, "Class Representative Plaintiffs"). I am a member of the bar of the State of New York and admitted to practice in the Eastern District of New York. I make this declaration in support of the Parties' Joint Motion for Preliminary Approval of Class Action Settlement and Approval of Notice to Class. I have personal knowledge of the matters set forth herein, and if called as a witness, could

and would testify competently thereto.¹ My personal knowledge of the matters set forth herein is based in part on a review of LatinoJustice records and conversations with my colleagues.

2. LatinoJustice has represented Named Plaintiffs in this matter since its inception in 2015. LatinoJustice is co-Class Counsel in this action with Milbank LLP.

3. Prior to mediation in this matter, LatinoJustice attorneys billed over 8,500 hours to this case. Although fees in this case are not governed by the federal Equal Access to Justice Act (EAJA), using a very conservative, inflation-adjusted 2022 EAJA rate for New York City of \$228.10/hour as a functional “lodestar” rate, these hours imply an award of nearly \$2 million.² At rates actually awarded to LatinoJustice attorneys in similar matters, these hours imply an award in excess of \$3.5 million. LatinoJustice also incurred tens of thousands of dollars in costs and expenses, including electronic research, word processing, deposition, and travel fees, as well as other recoverable costs and expenses.

4. The proposed award for attorneys’ fees in the Class Action Settlement Agreement was negotiated through a formal mediation process with Anthony DiCaprio, Esq., through the EDNY’s Trial Ready Rapid Mediation Pilot Program. The attorneys’ fees were the last item negotiated by the Parties and were not discussed until the Parties had a settlement in principle on all substantive relief points.

¹ All capitalized terms not defined herein are defined in the Memorandum of Law in Support of Joint Motion for Preliminary Approval of Class Action Settlement Agreement and Approval of Notice to the Class.

² \$228.10/hour is the average EAJA rate in New York City in 2022, according to Empire Justice Center. *See* <https://empirejustice.org/wp-content/uploads/2022/10/Federal-EAJA-Hourly-Rates-03-96-07-22.pdf>. This is lower than courts in this district have applied. *D’Annunzio v. Ayken, Inc.*, No. 11-CV-3303 WFK WDW, 2015 WL 5308094, at *4 (E.D.N.Y. Sept. 10, 2015) (Kuntz, J., accepting the report and recommendation of Locke, J., noting that as of 2015 that “[c]ourts in the Eastern District of New York award hourly rates ranging from \$200 to \$450 per hour for partners, \$100 to \$300 per hour for associates, and \$70 to \$100 per hour for paralegals.”). LatinoJustice attorneys working on similar cases have received over \$400/hour. *See* Fee Stipulation, Doc. 512, *Ligon v. City of New York*, 12-cv-2274 (S.D.N.Y. Sept. 4, 2022) (Stipulating to fees for co-counsel that calculate to over \$425/hour for me).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed in New York, New York on March 6, 2023.



ANDREW CASE